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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,909	08/02/2001	Neil A. Czarnecki	899-82	7125

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EXAMINER

HA, NGUYEN T

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,909

Applicant(s)

CZARNECKI, NEIL A.

Examiner

Nguyen T Ha

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-¹¹~~12~~_^ are rejected under 35 U.S.C. 102(b) as being anticipated by Cronin *OR #6/2/03* (3,703,664).

Regarding claim 1, Cronin discloses a apparatus for remotely operating a circuit protection device having contacts movable from a closed position to an open position upon receiving current greater than a trip current (figure 4), the circuit protection device having a load side (12) and a source side (10) and being connected between a power source and a load being operated by the power source, the apparatus comprising:

- an impedance limiter (30) having a first end connected to the load side of the circuit protection device; and
- a switching device (14) connected between a second end of the impedance limiter and the power source, the switching device being operable between an open position and a closed position;
- wherein when the switching device (14) is in the closed position, the impedance limiter is connected between the circuit protection device and the power source to draw current through the circuit protection device sufficient to move the contacts of the circuit protection device to the closed position (figure 1).

Regarding claim 2, it is inherent that the switching device is an electronic relay operable between an open position and a closed position as disclosed by Cronin (figure 1).

Regarding claim 3, Cronin further discloses a switching circuit (11) coupled to the switching device, wherein the switching circuit is operable to control the movement of the switching device between the open position and the closed position (figures 1&3).

Regarding claim 4, Cronin discloses the switching circuit monitors the value of the power source and operates the switching device based upon the value of the power source (figure 4).

Regarding claim 5, Cronin discloses the impedance limiter is a resistor and the resistance of the resistor is selected based on the voltage generated by the power source such that the current drawn through the resistor when the resistor is connected across the power source exceeds the trip current for the circuit protection device (figure 4).

Regarding claim 6, Cronin discloses the impedance limiter is positioned in parallel with the load across the power source (figure 4).

Regarding claim 7, Cronin discloses the impedance limiter and the switching device are located externally from the circuit breaker (figure 4).

Regarding claim 8, Cronin discloses the impedance limiter is a resistor (column 5 lines 22-23).

Regarding claim 9, the method of remotely actuating a circuit protection device are necessitated by Cronin by move the contents of the circuit protection device from a

closed position and an open position, the circuit protection device being movable from the closed position to the open position upon receiving current greater than a trip current, the circuit protection device being positioned between a power source (10) and a load (12), the method comprising the steps of:

- connecting an impedance limiter (30) to the circuit protection device;
- positioning a remotely operable switching device between the impedance limiter (30) and the power source, the combination of the switching device and the impedance limiter being connected in parallel with the load (12) across the power source (10); and
- remotely actuating the switching device (14) to move the switching device from an open position to a closed position, wherein when the switching device is in the closed position, the impedance limiter is connected across the power source to draw current from the power source through the impedance limiter,
- wherein the impedance limiter is selected such that the current drawn through the impedance limiter upon closing of the switching device is greater than the trip current for the circuit protection device (figure 4).

Regarding claim 10, Cronin further discloses the step of connecting a switching circuit (11) to the switching device, wherein the switching circuit controls the movement of the switching device between the open and closed positions (figure 4).

Regarding claim 11, Cronin discloses the switching device and the impedance limiter are located externally from the circuit protection device (figure 4).

Citation Relevant of Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Duffy et al disclose frequency-selective circuit protection arrangements.
- b. Larson discloses circuit breaker with thermal sensing unit.
- c. Knauer et al disclose circuit breaker.

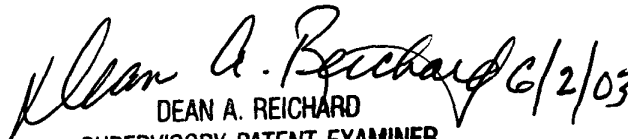
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T Ha whose telephone number is 703-308-6023. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 703-308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

NH
May 31, 2003


DEAN A. REICHARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800